

**THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**HAROLD SHAWGNESSY SIMS**

**PLAINTIFF**

v.

**Case No. 4:18-cv-00877-KGB**

**M. BALLARD, Night Shift, Craighead County Detention Center**

**DEFENDANT**

**ORDER**

Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 3). In his Proposed Findings and Recommendations, Judge Kearney recommends that plaintiff Harold Shawgnessy Sims' motion for leave to proceed in forma pauperis be denied. Mr. Sims has filed timely objections to Judge Kearney's Proposed Findings and Recommendations (Dkt. No. 4). After careful consideration of the Proposed Findings and Recommendations, Mr. Sims' objections, and a de novo review of the record, the Court finds no reason to alter or reject Judge Kearney's recommendations.

Because Mr. Sims accumulated three or more "strikes" under 28 U.S.C. § 1915(g) before he commenced this action, he may proceed in forma pauperis only if he qualifies under the "imminent-danger" exception. After a careful review of the pleadings, the Court agrees with Judge Kearney that Mr. Sims has not sufficiently alleged imminent danger of serious physical injury to meet the exception to the three-strikes provision of 28 U.S.C. § 1915(g). It follows that Mr. Sims must pay the filing fee in full.

Accordingly, the Court adopts the Proposed Findings and Recommendations in their entirety as this Court's findings of fact and conclusions of law (Dkt. No. 3). The Court denies Mr. Sims' motion for leave to proceed in forma pauperis (Dkt. No. 1). Mr. Sims' complaint is dismissed without prejudice. Should Mr. Sims wish to continue this case, he must submit the civil

filings fee of \$400 to the Clerk of Court, noting the above-referenced case number, together with a motion to reopen the case, within 30 days of the date of this Order. Upon timely receipt of the motion and full payment, this case will be reopened.

It is so ordered this 23rd day of January, 2020.



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Kristine G. Baker  
United States District Judge